

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BOURQUE et al.

Atty. Ref.: 4446-17

Serial No. Continuation of USSN 10/387,535

TC/A.U.: Unassigned

Filed: March 30, 2004

Examiner: Unassigned

For: CONTAINER WITH INTEGRATED VACUUM PANEL, LOGO
AND/OR RECESSED GRIP PORTION (As Amended)

* * * * *

March 30, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

a. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the

undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

c. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. ☐ Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication

from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

a. ☐ U.S. Patent No. _____ is indicated in the foreign search report or Official Action as being in the same patent family and/or the English-language equivalent of _____ listed on the attached foreign search report.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☒ Copies of the documents were cited by or submitted to the Office in Application No. 10/387,535, filed March 10, 2003, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. ☐ The publication date (e.g., month or year) of at least one of the listed documents is not available. For each document in this category, the Office is requested to assume that the year of publication of each listed document is earlier than the effective U.S. filing date and/or any foreign priority date.

9. ☐ The publication date of at least one document is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each

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listed publication date should not be construed as an admission that the information was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4446-17.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Paul T. Bowen
Reg. No. 38,009

PTB:jck
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

INFORMATION DISCLOSURE
CITATION

ATTY. DOCKET NO.

4446-17

SERIAL NO.

Continuation of USSN
10/387,535

APPLICANT

BOURQUE et al.

(Use several sheets if necessary)

FILING DATE

March 30, 2004

TC/A.U.

Unassigned

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----------------|---------|---------------------|-------|----------|-------------------------------|
| | 5,067,622 | 11/1991 | GARVER et al. | | | |
| | 5,762,221 | 06/1998 | TOBIAS et al. | | | |
| | 5,971,184 | 10/1999 | KRISHNAKUMAR et al. | | | |
| | D278,977 | 05/1985 | FRANCHI et al. | | | |
| | D214,550 | 07/1969 | PLUMMER | | | |
| | D308,482 | 06/1990 | WILD | | | |
| | 4,749,092 | 06/1988 | SUGIURA et al. | | | |
| | 4,805,788 | 02/1989 | AKIHO | | | |
| | 4,863,046 | 09/1989 | COLLETTE et al. | | | |
| | 4,877,141 | 10/1989 | HAYASHI et al. | | | |
| | 5,054,632 | 10/1991 | ALBERGHINI et al. | | | |
| | 5,064,081 | 11/1991 | HAYASHI et al. | | | |
| | 5,092,475 | 03/1992 | KRISHNAKUMAR et al. | | | |
| | 5,141,120 | 08/1992 | BROWN et al. | | | |
| | 5,141,121 | 08/1992 | BROWN et al. | | | |
| | 5,165,557 | 11/1992 | OTA et al. | | | |
| | 5,178,289 | 01/1993 | KRISHNAKUMAR et al. | | | |
| | 5,238,129 | 08/1993 | OTA | | | |

FOREIGN PATENT DOCUMENTS

| DOCUMENT | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES NO |
|-------------|---------|---------|-------|----------|-----------------------|
| 2585264 | 07/1994 | JAPAN | | | |
| 8-230856 | 09/1996 | JAPAN | | | |
| 2839012 | 10/1998 | JAPAN | | | |
| 0 356 829 | 03/1990 | EUROPE | | | |
| 02/32768 A1 | 04/2002 | PCT | | | |
| | | | | | |
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OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

| | |
|--|--|
| | European Search Report, December 20, 2002, 10 pages |
| | Partial European Search Report, September 23, 2002, 5 pages |
| | Slide 3 of Presentation to Ocean Spray, "1994 Launched first 'Pinch Grip' Bottle" |
| | Slide 4 of Presentation to Ocean Spray, "1998 Launched first U.S. Rectangular Hot-fill Juice Bottle" |
| | Slide 5 of Presentation to Ocean Spray, "1999 Launched first 'Round Grippable' Bottle" |
| | Slide 6 of Presentation to Ocean Spray, "2000 Launched Improved 'Pinch Grip Bottle'" |
| | Slide 11 of Presentation to Ocean Spray, "Selected Rectangular Bottles on the World Market since 1990's" |

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

INFORMATION DISCLOSURE CITATION

ATTY. DOCKET NO.

4446-17

SERIAL NO.

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(Use several sheets if necessary)

FILING DATE

March 29, 2004

TC/A.U.

Unassigned

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

| | | | | | | | | TRANSLATION | |
|----------|--|--|--|------|---------|-------|----------|-------------|----|
| DOCUMENT | | | | DATE | COUNTRY | CLASS | SUBCLASS | YES | NO |
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OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

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*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.